

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KIMBERLITE APPLIED SCIENCE, LLC,)	Case No:
)	
Plaintiff,)	JUDGE
)	
vs.)	
)	
ALFRED R. GENIS,)	
)	
Defendant.)	
)	

NOTICE OF REMOVAL OF CIVIL ACTION

Defendant Alfred R. Genis, by and through his undersigned counsel, and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby states the following for the purpose of removing this action from the Court of Common Pleas in Crawford County Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division:

1. On February 12, 2018, Plaintiff Kimberlite Applied Science, LLC filed a civil complaint in the Crawford County Court of Common Pleas captioned *Kimberlite Applied Science, LLC v. Alfred R. Genis*, Crawford County Common Pleas Case No. 18CV0033. Plaintiff's complaint names Alfred R. Genis as a defendant. A copy of Plaintiff's Complaint is attached hereto as Exhibit "A."

2. Defendant was served with a copy of Plaintiff's Complaint by certified mail on February 15, 2018. A true and accurate copy of the state court docket evidencing service is attached as Exhibit "B."

3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty (30) days of first receipt of Plaintiff's Complaint.

4. No further proceedings have been had in this state court action as of the date of filing this Notice of Removal.

5. This is a civil action over which the Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441, and which may be removed pursuant to 28 U.S.C. § 1446(b). The parties are citizens of different states, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

DIVERSITY JURISDICTION EXISTS

The Amount in Controversy Requirement is Satisfied

6. The amount in controversy of Plaintiff's claims controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs. Plaintiff has asserted causes of action against Defendant based on fraudulent inducement, misappropriation of trade secrets, breach of employment agreement, breach of license agreement, unjust enrichment and injunction. In its prayer for relief, Plaintiff is seeking damages in an amount exceeding \$75,000.00.

The Complaint Does Not Identify Any Non-Diverse Defendant

7. The Complaint alleges that Plaintiff is an Ohio corporation with its headquarters in Crestline, Ohio.

8. Defendant is and was at the time of the filing of Plaintiff's Complaint a resident of the Commonwealth of Massachusetts.

9. A true and accurate copy of the state court docket is attached hereto as Exhibit "B."

10. Pursuant to 28 U.S.C. § 1446(b), a copy of this Notice of Removal is being filed with the Court of Common Pleas in Crawford County, Ohio.

11. Defendant does not waive any jurisdictional or other defenses available to him.

WHEREFORE, Defendant Alfred R. Genis prays for the removal of the above-referenced civil action from the Court of Common Pleas in Crawford County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

/s/ Christopher O'Connell

Christopher O'Connell

(Reg. No. 0075395)

Jaime M. Syx

(Reg. No. 0090028)

Singerman, Mills, Desberg & Kauntz Co., L.P.A.

3333 Richmond Road, Suite 370

Beachwood, Ohio 44122

jsyx@smdklaw.com

coconnell@smdklaw.com

(216) 292-5807

Attorney for Defendant Alfred R. Genis

CERTIFICATE OF SERVICE

A copy of the foregoing was served this 9th day of March 2018 by US Regular Mail upon:

James D. Abrams
Michael K. Robertston
Taft Stettinius & Hollister, LLP
65 East State Street, Suite 1000
Columbus, OH 43215-4213

/s/ Christopher O'Connell
Attorney for Defendant